

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STATE OF WASHINGTON, Department of  
Transportation,

Plaintiff,

v.

JAMES RIVER INSURANCE COMPANY,

Defendant.

NO. 3:10-cv-05734-RBL

STIPULATED MOTION AND ORDER TO  
REMAND CASE TO STATE COURT

**I. RELIEF REQUESTED**

The parties through their respective counsel of record request an order approving their stipulation for a remand of the above-referenced action to Thurston County Superior Court (Cause No. 10-2-02005-2).

**II. FACTUAL BACKGROUND**

WSDOT filed a Complaint for Declaratory Judgment on September 9, 2010, in Thurston County Superior Court. In its Complaint, WSDOT challenged the validity of the arbitration provision of James River's insurance policies and sought a stay of AAA proceedings that have been initiated pursuant to James River's demand for arbitration of the coverage available under its policy. On October 7, 2010, James River filed its Notice of

1 Removal with the Thurston County Superior Court and the Western District of Washington,  
2 Tacoma Division.

3 Counsel have conferred and agree that that the claims should be remanded at this time  
4 to Thurston County Superior Court. Counsel have agreed not to ask for an award of any costs  
5 or attorneys fees as a result of the remand.

6 **III. AUTHORITY**

7 This motion is filed pursuant to 28 U.S.C. §1447(c) and Local Rule W.D.Wash.  
8 7(d)(1) and 10(g).

9 **IV. CONCLUSION**

10 Pursuant to the above stipulation, the parties request that the court order that the  
11 above-referenced action be remanded to Thurston County Superior Court (Cause No. 10-2-  
12 02005-2) for resolution.

13 DATED this 29<sup>th</sup> day of October, 2010.

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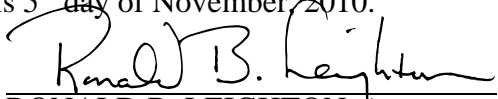
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**ORDER**

Considering the foregoing, IT IS ORDERED that the Stipulated Motion To Remand be GRANTED, and this matter is hereby REMANDED to Thurston County Superior Court.

DONE IN OPEN COURT this 5<sup>th</sup> day of November 2010.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE